IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7761 OF 2005

Naeem Maksud Khan Applicant

versus

The State of maharashtra Respondent

Mr.A.P.Mundargi, Sr.Adv. with Ganesh Gole for applicant.

S.S.Tatkare, APP for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th December 2005

PC :

1. Heard Shri Mundargi for applicant and Shri Tatkare for the respondent.

2. C.R.No.I/55/2005 registered at Nhava Sheva Police Station, District Raigad alleges offences punishable under sections 420, 468, 470, 471 R/W 34 IPC. It appears that a travel agency was awarded a contract by JNPT.. The further case is that this travel agency M/s.Vikas Travels had in turn engaged one Bharat Travels for the contract work. One of the buses being plied by said Vikas Travels was found to be bearing an identical

number plate. The two travel agencies are the owners of the vehicles. The case of the applicant before me is that it is his brother who is the proprietor of M/s.Bharat Travels. As far as subject vehicle is concerned, the applicant neither owns it nor he is associated with the same. The applicant also has no connection with Vikas Travels and in fact he has his own travel agency.

3. The other accused in this offence has been enlarged on bail. As far as application of the present applicant is concerned, the Sessions Judge proceeds on the basis that the complaint alleges that vehicles which are not registered with the authorities, are plying with the connivance of the accused.

4. All documents are seized although, further investigation is in progress, on the own showing of the prosecution. It appears that the statements have been recorded of some of the concerned parties and even the agreements and documents pertaining to the vehicles have been seized. The offence appears to be based on documents. The applicant himself has a permanent place of residence and he carries on business

from the premises mentioned in the plaint. There are no antecedents. The applicant is, therefore, entitled to be enlarged on bail. However, the applicant is directed to abide by the conditions. On failure to do so, it would be open for the prosecution to apply for cancellation.

5. Hence following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.I/55/2005 registered with Nhava Sheva Police Station, District Raigad, subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only), with one surety in the like sum;

(ii) The applicant shall submit his pass port forthwith before release on bail;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the

trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)